



{In Archive} RE: KS Enforcement Response 3Q2010

Kelly Kelsey to: Scott Marquess
Cc: Darrel Plummer

10/04/2010 11:11 AM

From: Kelly Kelsey <KKelsey@kdheks.gov>
To: Scott Marquess/SUPR/R7/USEPA/US@EPA
Cc: Darrel Plummer <DPlummer@kdheks.gov>
Archive: This message is being viewed in an archive .

It sounds like a useful option. I've heard Darrel Plummer mentioning something about it, but I don't know any details. I'll have to defer the question to Darrel, but he is out of the office today.

- Thank you

-----Original Message-----

From: Marquess.Scott@epamail.epa.gov [mailto:Marquess.Scott@epamail.epa.gov]
Sent: Monday, October 04, 2010 11:06 AM
To: Kelly Kelsey
Subject: RE: KS Enforcement Response 3Q2010

Thanks, Kelly.

Are you folks developing a tool to evaluate the ETT status of systems independently from EPA? I think GEC was working on something like that for MDNR, and perhaps EPA is developing something to share with the states. Seems like it might be handy to be able to update and then check the status of things when you would like rather than waiting for quarterly updates.

From: Kelly Kelsey <KKelsey@kdheks.gov>
To: Scott Marquess/SUPR/R7/USEPA/US@EPA
Cc: Doug Brune/R7/USEPA/US@EPA, Darrel Plummer <DPlummer@kdheks.gov>, Dave Waldo <dwaldo@kdheks.gov>, Patti Croy <PCroy@kdheks.gov>, Diane Huffman/R7/USEPA/US@EPA

Date: 10/04/2010 10:28 AM

Subject: RE: KS Enforcement Response 3Q2010

Scott-

Yes, we have entered the appropriate enforcement codes and linked violations to return those systems to compliance. Because those codes have been entered over the last 30 days, they will not be reflected until the next upload due by November 15, 2010. Therefore, they will still appear as unresolved/not addressed/not on path on the October 2010 ETT report. They should appear as being returned to compliance (addressed) on the January 2011 ETT report.

Since EPA declared our (previously EPA-approved) Nitrate Strategy as being inconsistent with the SDWA, we issued an AO against Pretty Prairie to prepare and submit a feasibility study. Pretty Prairie complied with the AO, which identified treatment as the most feasible option for compliance at a cost of \$1.2 million in 2007. The City then argued with EPA's declaration that the Nitrate Strategy was inconsistent with the SDWA, after being allowed to manage health effects under the Strategy for 10 years. The City requested a meeting with EPA for an explanation on its ruling against the previously-approved Nitrate Strategy, which EPA declined. The City then began steps to retain Legal Counsel for a possible lawsuit against EPA - Region 7, at which time KDHE stepped aside while possible litigation was proceeding. The KDHE is awaiting the results of a meeting and potential legal proceedings between Pretty Prairie and EPA - Region 7. Additional information may be provided by Dave Waldo.

- Thank you

-----Original Message-----

From: Marquess.Scott@epamail.epa.gov [mailto:Marquess.Scott@epamail.epa.gov]
Sent: Monday, October 04, 2010 10:09 AM

To: Kelly Kelsey
Cc: Brune.Doug@epamail.epa.gov; Darrel Plummer; Dave Waldo; Patti Croy; Huffman.Diane@epamail.epa.gov
Subject: Re: KS Enforcement Response 3Q2010

Thanks, Kelly. Looks good. I count 23 of the 45 systems showing as RTC. Is that data entered into SDWIS such that it would be reflected on the next ETT report (in October)?

I'll try to digest this info more thoroughly so we can discuss at our next quarterly meeting, if not prior.

One other question - as I was looking over the info, I noticed Pretty Prairie, which says that KDHE was waiting on discussions between EPA and the city before proceeding with a BCA. Can you clarify what you're looking for from EPA on that?

thanks
Scott

From: Kelly Kelsey <KKelsey@kdheks.gov>

To: Scott Marquess/SUPR/R7/USEPA/US@EPA,
Doug
Brune/R7/USEPA/US@EPA

Cc: Dave Waldo <dwaldo@kdheks.gov>, Darrel Plummer
<DPlummer@kdheks.gov>, Patti Croy <PCroy@kdheks.gov>

Date: 10/01/2010 02:59 PM

Subject: KS Enforcement Response 3Q2010

(Embedded image moved to file: pic09290.gif) Scott and Doug-

Attached is KDHE's preliminary response to the 3Q2010 Enforcement Response Policy. We appreciate you allowing us more time to complete

this response following our network and communication issues back in August. As always, we are more than happy to provide any additional information and look forward to standardizing this quarterly response with the other states in Region 7. I have provided a key at the bottom of the spreadsheet that explains the colors. My hope was to show you that most have been returned to compliance or actively have projects or studies in progress.

- Thank you

(Embedded image moved to file: pic17452.jpg) Kelly D Kelsey [attachment "ERP RESPONSE 10_1_10.xlsx" deleted by Scott Marquess/SUPR/R7/USEPA/US]